



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Great Plains Regional Office  
115 Fourth Avenue S.E. Suite 400  
Aberdeen, South Dakota 57401



IN REPLY REFER TO:

DESCRM

MC-208

MAR 21 2012

## MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: <sup>ACTING</sup> Regional Director, Great Plains Region

SUBJECT: Supplemental to Environmental Assessment

A Categorical Exclusion has been completed in compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended. The proposed Supplemental Categorical Exclusion is for information tiering off of an existing Environmental Assessment for WPX Energy, and authorizes installation of electric and fiber optic lines within existing right-of-way.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the Categorical Exclusion.

If you have any questions, please call Marilyn Bercier, Regional Environmental Scientist, Division of Environment, Safety and Cultural Resources Management, at (605) 226-7656.

Attachment

cc: Tex Hall, Three Affiliated Tribes (with attachment)  
Elgin Crows Breast, THPO (with attachment)  
Derek Enderud, BLM, Dickinson, ND (with attachment)  
Mike Madson, SWCA (with attachment)  
Jeffrey Hunt, Fort Berthold Agency



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## EXCEPTION CHECKLIST FOR BIA CATEGORICAL EXCLUSIONS

Project: Benson #3-9H well pad. To Install Electric and Fiber Optic Lines. Date: 3/19/2012

Nature of Proposed Action: To authorize WPX Energy Williston, LLC to install approximately 587.4 feet of electric and fiber optic lines within the existing 66-foot Access Road ROW. All construction disturbances associated with the installation of the utility lines would occur within the approved right-of-way, which has been surveyed for impacts to natural and cultural resources with no significant findings. This document is tiered to Environmental Assessment; Five Bakken Exploratory Oil Wells: Dakota-3 Benson #3-9H, Dakota-3 High Hawk #4-9H, Dakota-3 Joseph Eagle #16-19H, Dakota-3 Fettig (860 A-B) #16-22H, Dakota-3 Morsette #35-26H, Zenergy Operating Company, LLC (January 2010).

Exclusion category and number: 516 DM 10.5 F (1)

Evaluation of Exceptions to use of Categorical Exclusion:

1. This action would have significant adverse effects on public health or safety. No X Yes \_\_\_\_\_
2. This action would have an adverse effect on unique geographical features, such as wetlands, wild or scenic rivers, refuges, floodplains, rivers placed on nationwide river inventory, or prime or unique farmlands. No X Yes \_\_\_\_\_
3. The action will have highly controversial environmental effects. No X Yes \_\_\_\_\_
4. The action will have highly uncertain environmental effects or involve unique or unknown environmental risks. No X Yes \_\_\_\_\_
5. This action will establish a precedent for future actions. No X Yes \_\_\_\_\_
6. This action is related to other actions with individually insignificant, but cumulatively significant environmental effects. No X Yes \_\_\_\_\_
7. This action will affect properties listed or eligible for listing in the National Register of Historic Places. No X Yes \_\_\_\_\_
8. This action will affect a species listed, or

proposed to be listed as endangered or  
threatened.

No X Yes \_\_\_\_\_

9. This action threatens to violate federal, state,  
local or tribal law or requirements imposed for  
protection of the environment.

No X Yes \_\_\_\_\_

10. This action will have a disproportionately  
high and adverse effect on low income or  
minority populations.

No X Yes \_\_\_\_\_

11. This action will limit access to, and  
ceremonial use of Indian sacred sites on  
federal lands by Indian religious  
practitioners, or significantly adversely  
affect the physical integrity of such  
sacred sites.

No X Yes \_\_\_\_\_

12. This action will contribute to the  
introduction, continued existence, or  
spread of noxious weeds or non-native  
invasive species known to occur in the  
area, or may promote the introduction,  
growth, or expansion of the range of such  
species.

No X Yes \_\_\_\_\_

A "yes" to any of the above exceptions will require that an EA be prepared.

NEPA Action - - - CE X EA \_\_\_\_\_

Preparer's Name and Title: Courtney Lafferty, Environmental Specialist

Regional Archeologist Concurrence with Item 7 Carson R. Mundy

Concur:

Jeffrey R. Davis  
Regional Office/Agency Environmental Coordinator

Date:

3/19/2012

Concur:

Carson R. Mundy  
ACTING Regional Director/Supervisor

Date:

3/21/12

# **Categorical Exclusion with Pertinent Analysis Documentation**

**United States Bureau of Indian Affairs**

**Great Plains Regional Office  
Aberdeen, South Dakota**



**WPX Energy Williston, LLC**

**Categorical Exclusion and Pertinent Analysis Documentation to Authorize the  
Installation of Electric and Fiber Optic Utility Lines within the Approved Benson #3-9H  
Access Road Right-Of-Way**

**Fort Berthold Indian Reservation**

**March 2012**

For information contact:  
Bureau of Indian Affairs, Great Plains Regional Office  
Division of Environment, Safety and Cultural Resources Management  
115 4th Avenue SE, Aberdeen, South Dakota 57401  
(605) 226-7656

*Categorical Exclusion and Pertinent Analysis Documentation to Authorize the Installation of Electric and Fiber  
Optic Utility Lines within the Approved Benson #3-9H Access Road Right-Of-Way  
(March 2012)*

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## **1. Purpose and Need for the Proposed Action**

The purpose of the Proposed Action is to authorize land use by WPX Energy Williston, LLC (WPX) for the installation of electric and fiber optic utility lines (utility lines) to be constructed exclusively within the approved Benson #3-9H access road (66 feet wide) and well pad right-of-way (approved ROW), and is needed to provide electrical utilities to the existing Benson #3-9H well pad.

Developments have been proposed on land held in trust by the United States in Dunn County, North Dakota (ND). The Bureau of Indian Affairs (BIA) is the surface management agency for potentially affected tribal lands and individual allotments. The economic development of available mineral resources and associated BIA actions are consistent with BIA's general mission. Leasing and development of mineral resources offers economic benefits to the Three Affiliated Tribes of the Mandan, Hidatsa, and Arikara Nations and to individual tribal members.

## **2. Authorities**

Oil and gas exploration and development activities are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 United States Code [USC] 396a, et seq.), the Indian Mineral Development Act of 1982 (25 USC 2101, et seq.), and the Energy Policy Act of 2005 (42 USC 15801, et seq.). The proposed action qualifies under the BIA categorical exclusion 516 DM 10.5 F (1) rights-of-way.

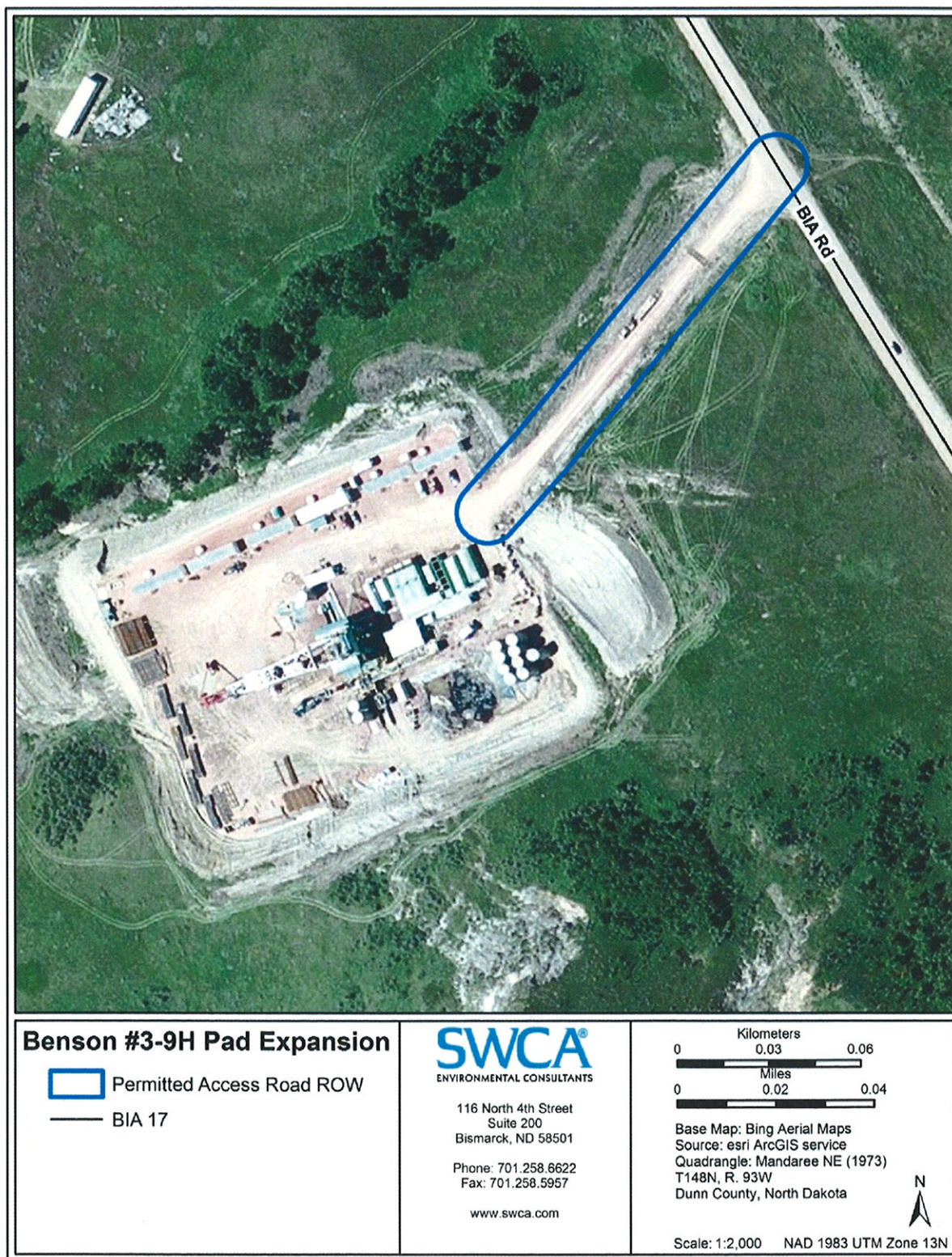
## **3. Legal Land Description for Proposed Action**

The approved access road corridor is located approximately 8.1 miles southeast of the town of Mandaree, in the NE¼ NW¼ of Section 9, Township (T) 148 North (N), Range (R) 93 West (W), Dunn County, ND (Figure 1).

## **4. Scope of Work for Proposed Action**

Approximately 587.4 feet of electric and fiber optic utility lines would be needed to complete the Proposed Action. All construction disturbances associated with the installation of the utility lines would occur within the approved ROW, which has been surveyed for impacts to natural and cultural resources with no significant findings. WPX has committed to no additional surface disturbance outside of the permitted well pad or access road footprints.





**Figure 1. Map of the Approved Benson #3-9H Well Pad, Access Road, and Proposed Action Location.**

## **5. Applicable National Environmental Policy Act (NEPA) Document(s)**

*Environmental Assessment; Five Bakken Exploratory Oil Wells: Dakota-3 Benson #3-9H, Dakota-3 High Hawk #4-9H, Dakota-3 Joseph Eagle #16-19H, Dakota-3 Fettig (860 A-B) #16-22H, Dakota-3 Morsette #35-26H, Zenergy Operating Company, LLC (January 2010).*

## **6. NEPA Adequacy Criteria**

This document has identified the above-mentioned previously prepared NEPA document, which adequately describes the environmental consequences of the newly proposed action described herein, and meets the following NEPA Adequacy Criteria.

1. The proposed action is substantially the same action and at the site specifically analyzed in the existing NEPA document.
2. The range of alternatives is reasonable with respect to the current proposed action in the existing NEPA document, which appropriately considers and analyzes current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA document. The analysis is still valid in light of new studies or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA document continues to be appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are unchanged from those identified in the existing NEPA document.
6. The cumulative impacts that would result from implementation of the proposed action are unchanged from those analyzed in the existing NEPA document.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA document.